# Nineteenth Annual Report

# of

# THE DEPARTMENT OF JUSTICE

# for

# Prince Edward Island

# 1991

92-05001/

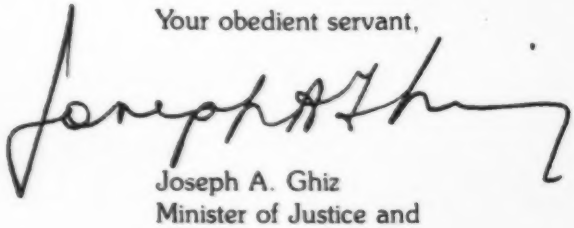
TO: **THE HONOURABLE MARION L. REID**
Lieutenant Governor
Province of Prince Edward Island

May It Please Your Honour:

I have the honour to submit the nineteenth Annual Report of the Department of Justice for this province.

I have the honour to be, Madam,

Your obedient servant,



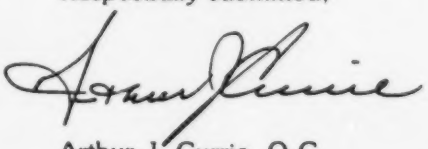
Joseph A. Ghiz
Minister of Justice and
Attorney General

TO: **THE HONOURABLE JOSEPH A. GHIZ, Q.C.**
Minister of Justice and Attorney General
Province of Prince Edward Island

Sir:

I am pleased to submit herewith the Annual Report of the Department of Justice for the year ending December 31, 1991.

Respectfully submitted,



Arthur J. Currie, Q.C.
Deputy Minister of Justice

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## INTRODUCTION

The reports of the divisions of the Department contained herein have been prepared by the directors and amalgamated into the report of the Department. The report of the Commanding Officer of "L" Division R.C.M.P. will be tabled in the Legislative Assembly as a separate report.

## DEPARTMENTAL DIVISIONS

1. Administration
2. Community and Correctional Services
3. Consumer Services
4. Corporations
5. Crown Attorneys
6. Insurance
7. Judicial
8. Legal Aid
9. Legal Services
10. Legislative Counsel
11. Residential Rental Property Office

## ADMINISTRATION

The Administration Division is responsible for the personnel of the Department and ensuring that the Department runs in a smooth and efficient manner. The Division is under the Director of Corporations who, in conjunction with the staff of the division, prepares the annual budget and account for all revenues and expenditures.

### Personnel

Director: Edison Shea, C.A.
Administrative Officer: Kaye MacFadyen
Clerk: Donna Thompson
Clerk: Linda Allen

# COMMUNITY & CORRECTIONAL SERVICES

## Introduction

The Community and Correctional Services Division is comprised of three branches:

1. Community Programs
2. Custody Programs
3. Special Programs

Given ongoing heavy demands on the general administration section of the division, and in an effort to streamline communication, delegate responsibilities and more effectively manage the division, a number of temporary changes were made during 1990.

John Bruce, Manager, Custody Programs Branch, transferred to the position of Director, Staff Development Division with the Civil Service Commission on a secondment basis. In Mr. Bruce's absence, John Picketts, Provincial Administrator, Youth Facilities, will report to the Director; Craig McDowall was assigned the duties of Provincial Administrator, Adult Facilities; and Carl Doucette, while continuing with the review of Probation and Family Court Services, was assigned the duties of Provincial Administrator, Community Programs. The latter two individuals report to the Director.

A noteworthy development during 1990 was the approval of a Mission Statement and Operating Principles for the division to guide the operations of our various programs.

As well, a crest and lapel pin were developed by the division. The crest will appear on selected divisional property. The lapel pin will be issued to division staff.

## Community Programs

This branch includes the provision of Youth and Adult Probation, Family Court and related services. At year's end, field staff of the branch consisted of two Family Counsellors and eleven Probation Officers operating from offices in Charlottetown, Summerside, O'Leary, Montague and part-time offices in Souris and Alberton.

## Court Reports

During 1991, Probation Officers conducted assessments and investigations for and submitted 183 Court reports to both Provincial and Supreme Court.

There were 148 Court reports prepared on young offenders for Youth Court.

## Probation Supervision

On January 1, 1991, there were 659 adults (age 18 and over) under the supervision of Probation Officers in the Province with 726 new cases added during the year.

On January 1, 1991, there were 379 young offenders under supervision with 424 new young offender cases brought under supervision during the year.

On December 31, 1991, 803 adult and 437 young offender cases were under supervision of Probation Officers.

Tables A and B contain statistical information on adult and youth caseloads for the years 1987 to 1991.

**TABLE "A"**
**PROBATION SERVICES CASELOAD**
**ADULTS**
(age 18 and over)

| | 1991 | 1990 | 1989 | 1988 | 1987 |
|---|---|---|---|---|---|
| Cases under Supervision Ending December 31st | 801 | 659 | 574 | 553 | 498 |
| New Cases Opened | 726 | 674 | 635 | 553 | 555 |
| Court Reports | 183 | 160 | 143 | 136 | 161 |
| New Charges (Breach of Probation) | 78 | 83 | 61 | 69 | 66 |

**TABLE "B"**
**PROBATION SERVICES CASELOAD**
**YOUNG OFFENDERS**
(age 12 to 18th birthday at time of original offence)

| | 1991 | 1990 | 1989 | *1988 | 1987 |
|---|---|---|---|---|---|
| Cases under Supervision Ending December 31st | 436 | 379 | 326 | 218 | 244 |
| New Cases Opened | 451 | 364 | 412 | 209 | 219 |
| Court Reports | 158 | 149 | 152 | 75 | 158 |
| New Charges (Breach of Probation) | 65 | 44 | 31 | 14 | 25 |

*Youth Court did not operate for approximately five months.

## Family (Court) Counsellors

Family Court Counsellors continue to provide services out of the Courthouse in Charlottetown and from the Regional Services Centres in Summerside, O'Leary, Montague and Souris on a demand basis.

In 1991 there was a small increase in the number of home studies prepared by Family Court Counsellors. There was a significant increase in the number of referrals to Family Court Counsellors for individual counselling. Mediation continued throughout the year to be an essential service provided by Family Court Counsellors.

Throughout 1991 Family Court Counsellors attended or facilitated several workshops such as Mediation, Cultural Diversity and Family Dynamics.

Family Court Counsellors are active members of the P.E.I. Association of Social Workers, the Canadian Association of Social Workers and P.E.I. Mediation Inc. Family Court Counsellors have occupied executive positions within these organizations.

## Temporary Absence Program

The Temporary Absence Program underwent a significant change in 1991. By Order of Executive Council, authorization for inmate release was extended to the Director of Community & Correctional Services. In addition, the long-standing temporary absence policy was revised to make it more consistent with the case management process currently utilized in the adult facilities.

To this end, staff of Probation Services and the adult correctional facilities assessed and investigated 155 applications from sentenced inmates of the Provincial Correctional Centre, Kings County Jail and Prince County Jail, under the regular Temporary Absence Program. Of these the Department of Justice authorized 119 temporary absences. This compares with 105 in 1990 and 124 in 1989. Of the 119 releases 17 were for purposes of employment or paid training; 2 for purposes of education; 66 for purposes of treatment (44 alcohol and 22 medical/psychiatric) and 34 for rehabilitative or humanitarian reasons.

There was 1 violation of temporary absence privileges for 1991 as compared to 6 for 1990 and 5 for 1989.

The above releases do not include releases where inmates were escorted by correctional officers, probation officers or under the general supervision of community supervisors in a voluntary capacity, nor do they include releases by the National Parole Board on either day or full parole. As well, these releases do not include inmates released under the Christmas Temporary Absence Program outlined below.

## Christmas Temporary Absence

The Christmas Temporary Absence Program established in 1971 where sentenced inmates in provincial institutions were provided the opportunity of spending some time with family and/or friends was continued in 1991. Twenty-two inmates were provided the opportunity of being released for varying periods of time (4 - 68 hours).

## CUSTODY PROGRAMS BRANCH

### Existing Programs & Facilities

### Young Offender

**Highlights:** The following initiatives were completed in 1991: Staff Orientation Manual; Infection Control Manual; Operational Review Process; staff survey; and, preparation of a Divisional Training Calendar.

The number of runs/escapes by young offenders dropped from 23 in 1989; 4 in 1990; to 0 in 1991. During the year community access by residents increased for program, community service, and recreational purposes.

Section managers were called to deal with three interdependent factors: increased client demand; budget restraint; and, staff vacancies. Creative strategic planning produced the following action: closure of one unit in Summerside Centre; 30% reduction in sick leave; redeployment of Section staff; reduced overtime; rescheduling of non-shift employees.

**Special Events:** AIDS and Us Workshop; Terry Fox Run; summer and winter olympics; family appreciation days; day and overnight camping programs; Christmas concert.

**Current Initiatives:** The following committee/project work is ongoing within the Section: Provincial Teachers; Section Supervisors; Cognitive Intervention; Wellness Committee; Occupational Health and Safety. Research and program refinement activities are ongoing in relation to: female residents; kids with kids; native youth; self-esteem building.

**P.E.I. Youth Centre, Summerside:** During its third full year of operation, this facility operated at 60% capacity (based upon four units) and at 85% capacity (based upon three units). One unit was closed for most of the year and those employees redeployed to fill vacancies elsewhere within the Section, thus reducing relief and overtime costs. It would appear that we can safely operate three units provided our numbers do not exceed 26. During late 1991, the Centre occupancy rate was very high and, in particular, throughout December it was 112%.

**Georgetown Youth Centre:** This Centre operated at an average of 86.7% capacity. Peak months resulted in occupancy rates of 104 to 109 per cent.

**Tyne Valley Youth Centre:** This Centre operated at an average of 90% capacity. Peak months resulted in occupancy rates of 115 to 117 per cent.

**Community Custody Programs:** The Alternative Residential Placement/Community Youth Worker Program (ARP/CYW) caseload maintained the 80% increase experienced in late 1990 wherein the caseload rose from 67 to 123. In 1991 the average monthly caseload was 132 cases.

### Summary:

As in 1990, during 1991 service demand was concentrated at the front end of the Section's programs (i.e., ARP/CYW, open custody centres).

During the last three months of 1991, the demand for secure custody rose from an occupancy rate of 53% to 84% by the end of December (based upon 34 bed operation). In reality, the rate was 112% based upon a 24 bed (three unit) operation.

1992 will bring with it a preoccupation with: budget adjustments; staff reallocations; and, limited resources. It is critical that we simultaneously keep an eye on the overall quality of service delivery and maintenance of physical and human resources. Casework and rehabilitative programming is our mandate; the realization of full client and staff potential our goal.

In striving to meet this objective during difficult times, open communication and consultation with all field staff must be ongoing. Only by pulling together as one large team can our Section meet the challenges ahead in 1992.

Table "C" is a statistical table of the number of offender days in each young offenders custody program/location.

**TABLE "C"**
**(TOTAL DAYS BY YOUTH FACILITY)**

| | LOCK-UP | | REMAND | | OPEN CUSTODY | | SECURE CUSTODY | | FACILITY TOTAL | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1991 | 1990 | 1991 | 1990 | 1991 | 1990 | 1991 | 1990 | 1991 | 1990 |
| GEORGETOWN YOUTH CENTRE ..... | 0 | 0 | 0 | 0 | 2532 | 2576 | 0 | 0 | 2532 | 2576 |
| TYNE VALLEY YOUTH CENTRE ..... | 0 | 0 | 0 | 0 | 2629 | 2200 | 0 | 0 | 2629 | 2200 |
| PRINCE EDWARD ISLAND YOUTH CENTRE ..... | 58 | 62 | 1518 | 730 | 0 | 0 | 5886 | 7568 | 7462 | 8360 |
| COMMUNITY PLACEMENTS ..... | 0 | 0 | 0 | 0 | 20 | 10 | 0 | 0 | 20 | 10 |
| ADULT FACILITIES ..... | 126 | 111 | 0 | 0 | 0 | 0 | 0 | 0 | 126 | 111 |
| TOTAL ..... | 184 | 173 | 1518 | 730 | 5181 | 4786 | 5886 | 7568 | 12769 | 13257 |

## Adult

### General Overview

Sentenced admissions to the adult facilities of the Community & Correctional Services Division of the Department of Justice & Attorney General for 1991 were down slightly overall from 1990 with the Provincial Correctional Centre showing a slight increase and Prince County and Kings County Jails combining for a decrease in admissions.

A significant increase of 18% in the total number of lock-ups is indicated across the section.

While the number of remand admissions is constant with only a slight increase from 1990, the overall number of remand days increased by 17% across the Division. Prince County Jail indicated the most increase with a percentage increase of 62.

The Kings County Jail, the smallest facility in the province, showed a 62% increase in sentenced inmate days. This significant increase had major impact on existing budget allotments. This increase is attributed in part to Kings County Jail's inability to transfer sentenced inmates to other parts of the system due to overcrowding. As well, the presence

of long-term inmates at Kings County Jail for attendance at a community-based treatment program is seen as a contributing factor for this increase.

There were 3 escapes from correctional facilities in the province involving 4 inmates during the past year with the Provincial Correctional Centre having 2 escapes and Prince County Jail having 1 escape respectively.

The number of inmates held before transfer to a federal penitentiary was 46. Of these, 34 were sentenced by Prince Edward Island courts, 12 were federal parole violators. The corresponding numbers in 1990 were 24 and 11.

There were no inmate deaths in the Province during the year. Staff dealt with three suicide attempts.

**Highlights/Initiatives**

1. The Program Review process at the Provincial Correctional Centre continues to be the focal point of much of the energies of the section. The extent of structural and procedural change has been significant.

2. As of October 1991, the Provincial Correctional Centre began operation on a complete 8-hour shift rotation. Plans are underway to implement similar shift schedules at the Prince County and Kings County Jails.

3. Sectional policy and procedures are near completion. The application of a sectional policy will enhance consistency and a more systemic approach to program delivery.

4. The development of a "standards package" to allow for internal auditing procedures is a priority and contingent upon the completion of the sectional policies and procedures.

5. The development and implementation of policies regarding Temporary Absence procedures and Serious/Unusual Incidents and Complaints.

6. The issuance of new staff uniforms reflecting a non paramilitary approach.

7. Public Drunkenness offenders (lock-ups) continue to be a concern. Efforts to address this issue with related agencies continued.

8. The implementation of the Offender Management System, an automated records system, in two of three adult facilities.

9. The discontinuation of free tobacco issue to inmates within the adult correctional facilities.

10. The per diem billing rate for holding an adult inmate for the 1991 year is $106.

**Provincial Correctional Centre:** This institution has a total bed capacity of 96 and is the largest of the three adult correctional facilities operating in the province.

Implementation of the proposed administrative changes outlined in the Program Review are in place providing the opportunity to operate the case management process.

Expansion of new inmate programs and the adjustment of existing programs continues. Most notably, program development involving education, woodwork instruction, food services instruction, family violence, anger management and alcohol and drug abuse are highlighted.

Inmate case management is the focal point of all inmate programs. In this regard, much effort is directed toward staff training in this area.

The Centre continues to operate its traditional inmate programs and treatment modules. As well, the Centre made inmates available to assist in various community service projects including working with seniors, church groups and voluntary organizations.

Volunteer participation is encouraged and recognized accordingly for its worthwhile contribution.

**Prince County Jail:** The total bed capacity for the Summerside facility is 27.

Program implementation at the Prince County Jail has been limited. Expansion in this area is planned for 1992.

Additional initiatives for 1992 include further training and implementation in the case management process and the implementation of eight-hour shifts.

The preparation and serving of the breakfast meal within the facility will occur in 1992, thus reducing food catering costs.

**Kings County Jail:** Kings County Jail in Georgetown has a maximum bed capacity of 14.

Again, much needed renovations for this facility did not occur in 1991. Long-term program plans are contingent upon physical plant alterations.

Case management is also a priority within this facility and, as a result, additional staff training is planned in this area.

The focus for 1991 and into 1992 is the establishment and application of sectional standard policies and procedures.

As in 1991, this facility continues to run at a high rate of occupancy and a significant increase in the length of inmate days. This is attributed to the presence of long-term inmates housed at this facility to attend community treatment programs in the Montague area.

Table "D" identifies the number of inmate admissions to the Correctional Centre and each jail during the year under the categories of: (1) Lock-up (police arrestees held prior to court appearance, federal parole violators, immigration detainees); (2) Court Remands; and (3) Sentenced. Only status upon original admission is counted. Inmates who change from lock-up to remand or sentence status or from remand to sentence status without release are not re-counted under their new category.

Of the 188 remand admissions during the year, 134 eventually changed to sentenced status without release. They do not appear in the sentenced column of Table "D."

## TABLE "D"
## (INMATE ADMISSIONS)

| | LOCK-UPS | | REMAND | | SENTENCED | |
|---|---|---|---|---|---|---|
| | 1991 | 1990 | 1991 | 1990 | 1991 | 1990 |
| **Provincial Correctional Centre** | | | | | | |
| Adult | | | | | | |
| Male | 1218 | 1007 | 96 | 85 | 707 | 699 |
| Female | 76 | 95 | 4 | 3 | 66 | 62 |
| TOTAL | 1294 | 1102 | 100 | 88 | 773 | 761 |
| **Prince County Jail** | | | | | | |
| Adult | | | | | | |
| Male | 512 | 412 | 66 | 78 | 347 | 353 |
| Female | 10 | 17 | 0 | 0 | 0 | 2 |
| TOTAL | 522 | 429 | 66 | 78 | 347 | 355 |
| **Kings County Jail** | | | | | | |
| Adult | | | | | | |
| Male | 257 | 209 | 22 | 17 | 198 | 228 |
| Female | 4 | 10 | 0 | 0 | 0 | 0 |
| TOTAL | 261 | 219 | 22 | 17 | 198 | 228 |
| **Total 2 Jails +** | | | | | | |
| Provincial | | | | | | |
| Correctional Centre | | | | | | |
| Adult | | | | | | |
| Male | 1987 | 1628 | 184 | 180 | 1252 | 1280 |
| Female | 90 | 122 | 4 | 3 | 66 | 64 |
| TOTAL | 2077 | 1750 | 188 | 183 | 1318 | 1344 |

Table "E" is a statistical table of the number of days served by inmates in 1990 in each jail and the Correctional Centre under the categories of: (1) Lock-up; (2) Remand; and (3) Sentenced.

## TABLE "E"
## (INMATE DAYS)

| | LOCK-UPS | | REMAND | | SENTENCED | |
|---|---|---|---|---|---|---|
| | 1991 | 1990 | 1991 | 1990 | 1991 | 1990 |
| **Provincial Correctional Centre** | | | | | | |
| Adult | | | | | | |
| Male | 1298 | 1022 | 3825 | 3449 | 23613 | 25705 |
| Female | 76 | 95 | 73 | 130 | 716 | 547 |
| TOTAL | 1374 | 1170 | 3898 | 3579 | 24329 | 26252 |
| **Prince County Jail** | | | | | | |
| Adult | | | | | | |
| Male | 513 | 415 | 1257 | 777 | 4771 | 4262 |
| Female | 10 | 17 | 0 | 0 | 0 | 4 |
| TOTAL | 523 | 432 | 1257 | 777 | 4771 | 4266 |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Kings County Jail** | | | | | | |
| Adult | | | | | | |
| Male | 257 | 217 | 164 | 192 | 2695 | 1668 |
| Female | 4 | 10 | 0 | 0 | 0 | 0 |
| TOTAL | 261 | 227 | 164 | 192 | 2695 | 1668 |
| **Total 2 Jails +** | | | | | | |
| Provincial | | | | | | |
| Correctional Centre | | | | | | |
| Adult | | | | | | |
| Male | 2068 | 1654 | 5246 | 4418 | 31079 | 31635 |
| Female | 90 | 122 | 73 | 130 | 716 | 551 |
| TOTAL | 2158 | 1776 | 5319 | 4548 | 31795 | 32186 |

## SPECIAL PROGRAMS

### Justice Resource Service - Crime Prevention

The Justice Resource Service continued to provide administrative support and resources to a number of interagency committees including the Interministerial Committee on Family Violence and the Implementation Committee on Impaired Driving.

The coordinator of the Justice Resource Service currently supervises "Operation Cooperation," a project funded through Health and Welfare Canada's Community Action on Impaired Driving fund. The focus is on developing further strategies to combat impaired driving. Ms. Anita Burdett is the coordinator of this project.

Between September, 1990, and December, 1991, the Justice Resource Service operated on a half-time basis. The coordinator of the Justice Resource Service also provided support to the Community Consultation Committee on Family Violence Prevention. This process grew out of the work of the Interministerial Committee on Family Violence and is under the leadership of the Department of Health and Social Services.

A highlight of the year was the 5th Annual Crime Prevention Month in November. The month's activities included the 3rd annual conference on impaired driving and provincial crime prevention awards.

The Justice Resource Service continues to work closely with the police, other justice agencies and many community organizations in promoting and encouraging a community work approach to Justice issues.

### Integrated Justice Information System

The development of automated systems to support the administration of criminal justice in the province, which began in 1987 with the implementation of an automated Youth Court Registry, a Fines Management System, an Adult Court Registry (1988), and a Victim's Case Management System (1989), was expanded in 1990-91 with the implementation of an Offender Management System (OMS). This system includes adult and youth facilities as well as Probation offices. The system will assist in case tracking, case management, program planning and development as well as statistical reporting.

The Offender Management System will be fully operational in the Prince Edward Island Youth Centre, Summerside; the Provincial Correctional Centre, Charlottetown; the

Prince County Jail, Summerside; and Probation Offices in Charlottetown, Summerside, Montague and Souris in January 1992.

Work began in late 1990 on a feasibility study for a Police Operational Information and Provincial Crime Reporting System. This feasibility project carried out by the DMR Consulting Group was completed in March 1991. The study identified requirements and set out the preferred option(s) for further system development.

The Police Systems work resulted in two available systems being demonstrated in October 1991. One of these is acceptable; however, it has some limitations in terms of its interface capability with other systems. Also, it is more costly than what was hoped given limited resources. However, further consideration of automated Police Systems is a priority for 1992.

Community & Correctional Services hosted an Atlantic Region Workshop on Automation in Support of Criminal Justice in October 1991. This event, planned in co-operation with the other three Atlantic Provinces with the financial assistance of the Technical Assistance Directorate of the Canadian Centre for Justice Statistics, was attended by 70 senior Justice officials from the region.

The Department of Justice is grateful to the Canadian Centre of Justice Statistics for its financial and other assistance, as well as Computer Services staff for their support and guidance. Also a great many individuals from criminal justice agencies in the province have contributed significantly to our efforts to develop a truly automated Integrated Justice Information System in the province.

**Victim Services Program**

During 1991, the Victim Services Program continued to operate across Prince Edward Island. Staff included one coordinator, two Victim Services workers, and two part-time secretaries. Victim Services staff follow up from the initial police response to victims of crime and assist victims as their cases proceed through the criminal justice system.

A total of 842 new cases were opened during 1991, an increase of 30 over last year. The 842 victims of crime contacted and offered assistance included: 410 general victims (49%), 244 wife abuse victims (29%), 114 sexual abuse victims (14%), 56 other family abuse victims (7%), and 18 commercial/institutional victims (2%). The number and proportion of sexual abuse victims increased significantly compared to 1990 (from 9% to 14% of total cases.)

Table "F" illustrates the types of Victim Services cases and the police agency (municipal police department or RCMP detachment) involved in each case. The largest number of cases continue to come from the Charlottetown Police Department (246 or 29%), although not as many as last year. Cases from most RCMP detachments and St. Eleanors Municipal Police increased significantly compared to 1990.

The types of crimes committed against these victims were most frequently assaults (422 or 50%); sexual assaults (116 or 14%); threats (67 or 8%); harassment (52 or 6%); and break and enter (50 or 6%). The remainder consisted of a variety of types of crime including 36 cases of property damage, 28 cases of theft, 4 cases of robbery, and 3 cases of murder/attempted murder/manslaughter.

In 1991, approximately 70% of Victim Services new clients were female. Age range distribution of Victim Services clients was 54% in the 21-40 age range, 23% in the 12-20 age range, 15% in the 41-60 age range, 4% in the under 12 age range, and 4% in the 61 and over age range.

Assistance provided to victims of crime included: information about case status, the criminal justice system, and court procedures; investigations of applications for criminal injuries compensation; emotional support and short-term counselling; referrals for legal, financial, and long-term counselling services; and assistance through the court process and with the preparation of victim impact statements. Because the level of assistance varied depending on the needs of the particular victim, the time involved with each case ranged from a few minutes (e.g., providing information about available services and/or case status) to many hours.

Victim impact statements outline the physical, emotional, and financial effects of the crime on the victim. After a finding of guilt the judge may take a victim impact statement into consideration when deciding on sentence. During 1991, Victim Services staff assisted with the preparation and filing of approximately 170 victim impact statements.

Under the *Victims of Crime Act*, Part IV, Victim Services is responsible for investigating claims for criminal injuries compensation. Victim Services staff also assist victims with preparing their applications and gathering information to support their claims. A lawyer within the Legal Services Division adjudicates claims. An annual report on the *Victims of Crime Act* is being prepared separately.

A special contribution agreement with the federal Department of Justice assisted the Province in establishing the Victim Services Program. This agreement ended March 31, 1991. The Final Report for the agreement included two volumes: *A System-based Approach to Assisting Victims of Crime* prepared by the Victim Services Coordinator and *Victim Services Impact Assessment* prepared by consultant Julie Devon Dodd.

An information kit including summaries of the above-noted reports was distributed to approximately 100 contact people in other provinces and territories. It is interesting to note that Newfoundland and Nova Scotia are currently establishing Victim Services programs modeled on Prince Edward Island's criminal justice system-based approach.

**TABLE "F"**

**Department of Justice - Victim Services**

VICTIM CASE CLASSIFICATION - JAN/01/91 TO DEC/31/91

| Police Jurisdiction | Commercial/ Institutional | General | Sexual Abuse | Wife Abuse | Other Family Abuse | TOTAL |
|---|---|---|---|---|---|---|
| Anderson House | 0 | 0 | 0 | 1 | 0 | 1 |
| Alberton | 7 | 31 | 3 | 13 | 8 | 62 |
| Borden Police | 0 | 0 | 2 | 1 | 0 | 3 |
| Borden RCMP | 0 | 3 | 0 | 2 | 3 | 8 |
| Summerside CFB | 0 | 0 | 1 | 0 | 0 | 1 |
| Charlottetown City Police | 0 | 143 | 17 | 73 | 13 | 246 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Charlottetown RCMP ..... | 0 | 38 | 34 | 40 | 9 | 121 |
| Family ..... | 0 | 0 | 1 | 0 | 0 | 1 |
| Kensington Town Police ..... | 0 | 4 | 0 | 1 | 0 | 5 |
| Montague RCMP ..... | 1 | 30 | 13 | 20 | 8 | 72 |
| Other ..... | 0 | 1 | 0 | 0 | 0 | 1 |
| St. Eleanors ..... | 0 | 3 | 13 | 7 | 1 | 24 |
| Summerside RCMP ..... | 6 | 44 | 5 | 22 | 5 | 82 |
| Summerside Town Police .... | 3 | 74 | 6 | 34 | 1 | 118 |
| Sherwood/Parkdale RCMP .. | 0 | 14 | 7 | 20 | 5 | 46 |
| Souris RCMP ..... | 1 | 25 | 12 | 10 | 3 | 51 |
| GRAND TOTALS ..... | 18 | 410 | 114 | 244 | 56 | 842 |
| PERCENTILE ..... | 2 | 49 | 14 | 29 | 7 | 100 |

## Initiatives for 1992

In addition to ongoing demands on the Division, particular attention will be focused on the following in 1992.

1. Expansion of the Divisional Training Plan and Calendar to include the development of and/or delivery of training modules on Sexual Assault, Family Violence, Addictions, Cognitive Intervention and Cultural/Racism Awareness, among others.
2. Full implementation of the casework/case management concept in adult facilities.
3. Alternative ways to deal with the high caseloads of Probation Officers and Victim Services workers.
4. Relocation of Probation Officers and Victim Services workers to more suitable and appropriate office locations.
5. Continued work on crime prevention and community development initiatives with a focus on Youth, Impaired Driving and Family Violence.
6. The development of new public information and resource material on Divisional programs.
7. Further work on the automation of police services as part of the Integrated Justice Information System.
8. Consideration of some evaluation-type studies on impact and effectiveness of Divisional programs such as the frequency and extent of repeat offences by young offenders.
9. Further development of the mediation concept within Family Court Counsellor responsibilities.

10. Continued exploration of support needs to the Division as part of the strategic planning process related to training, management of our automated systems, as well as planning, policy and research.

11. Conclusion of a Co-operation Agreement between this service/Division and Correctional Services of Canada (Atlantic Region).

## CONSUMER SERVICES DIVISION

1. The Consumer Services Division is responsible for the administration of the following programs:

| Program | Statutory Reference |
|---|---|
| (a) Video Classification | (a) Films Act |
| (b) Debtor Assistance | (b) Orderly Payment of Debts, Part X of the Bankruptcy Act |
| (c) Regulation of Charitable Gaming | (c) Lottery Schemes Order |
| (d) Gun Control | (d) Sections 105-106, Criminal Code |
| (e) Consumer Education and Information | (e) Various Provincial Statutes |
| (f) Consumer Complaints and Inquiries | (f) Various Provincial Statutes |
| (g) Licensing and Registration of Various Industries | (g) Various Provincial Statutes |

**2. Video Classification:**

The *Films Act* became law on January 1, 1988. Under this Act any retail video outlet which rents, sells, leases or otherwise distributes movies on video must be licensed and ensure that films are properly stickered with the proper classification sticker. Films which have been prohibited by the Classification Board or which have yet to be submitted for classification cannot be rented or sold. No film containing material of a sexually explicit nature may be rented or sold to any person under the age of 18 years. In the four years that this law has been in force, there have been few public complaints regarding compliance by video outlets. However, a number of films have been confiscated pursuant to Section 7. No prosecutions have been commenced. Relevant statistics are as follows:

| | 1990 | 1991 |
|---|---|---|
| Video Licenses Issued (One & Two Year License Terms) | 108 | 75 |

**3. Debtor Assistance Program - Orderly Payment of Debts Part X Bankruptcy Act:**

Through this program, an alternative to Consumer Bankruptcy, a person pays off their debts by making a series of monthly payments to the Clerk of the Court. Through OPD, debtors are given the opportunity to retire their debts over an extended period of time, consistent with their ability, while still maintaining a reasonable standard of living. The year 1991 was a busy year in that the requests for

assistance from individuals with financial problems increased considerably over 1990. The relevant statistics are as follows:

| | | 1990 | 1991 |
|---|---|---|---|
| (a) | Funds disbursed to Creditors | $98,833 | $152,906 |
| (b) | Debtor Interviews & Reviews | 181 | 255 |

In 1991, 58 new Consolidation Orders (new files) were issued as compared to 14 in 1990. Eight clients retired their debts in full during 1991 for a net increase in active paying files. Many of the debtors interviewed and counselled in 1991 were referred to consumer bankruptcy as their financial situation was such that bankruptcy was the only option.

In early December, 1991, the House of Commons gave Royal Assent to an *Act to Amend the Bankruptcy Act*. The Province had considerable input into the section of the Act dealing with consumer proposals. The Act provides for provincial administration of consumer proposals which will provide a consumer debtor with another alternative to bankruptcy.

## 4. Regulation of Charitable Gaming:

The Lottery Schemes Order made pursuant to Section 207 of the *Criminal Code of Canada* empowers the Province to license and set terms and conditions for the operation of charitable gaming in the Province. These include bingos, raffles, lotteries, casino nights, 50/50 draws and sports pools. The 1990 and 1991 licensing and financial statistics appear below:

| | | 1990 | 1991 |
|---|---|---|---|
| (a) | Lottery Schemes Licenses Issued | 560 | 633 |
| (b) | Bingos licenses | 66 | 67 |
| **Bingo Revenue and Expenses** | | **1990** | **1991** |
| (c) | Total Receipts | $11,674,000 | $11,939,621 |
| (d) | Prizes Paid Out | 8,580,000 | 8,573,975 |
| (e) | Wages to Employees | 306,000 | 351,666 |
| (f) | Supplies (bingo paper) | 557,000 | 579,195 |
| (g) | License fees | 172,000 | 171,671 |
| (h) | Advertising | 150,000 | 152,499 |
| (i) | Rent | 197,000 | 205,432 |
| (j) | Other Expenses | 117,000 | 72,146 |
| (k) | Total | $10,079,000 | $10,106,584 |
| (l) | Profit (c-k) | $ 1,595,000 | $ 1,833,037 |

**5. Gun Control - Section 105-116, Criminal Code of Canada:**

In July, 1990, the responsibility for administration of this program was transferred from the Legal Services Division to Consumer Services Division; and the Director was appointed Chief Provincial Firearms Officer. In addition, a Firearms Officer was hired to assist in the administration of this statute and others.

All Firearms Acquisition Certificates (F.A.C.) and Business Permits (dealers) are issued under the authority of Section 106 of the *Criminal Code of Canada*. F.A.C.'s are issued by the various municipal police departments and all R.C.M.P. detachments in this province. Business permits are issued by the Chief Provincial Firearms Officer. All gun dealers are subject to an annual inspection for the purposes of inspecting record keeping and security measures. At year end there were 28 businesses licensed to sell firearms and 18 businesses licensed to sell ammunition only. In 1991, seven hundred and thirty-three (733) F.A.C.'s were issued in this province and eight hundred and thirty-one (831) firearms purchased by the public.

As well, the Attorney General has approved two shooting clubs.

Provincial officials have been actively involved in consultations with the Federal Government concerning Bill C-17, the amendments to the Criminal Code of Canada on firearms.

In December, 1991, Bill C-17 received Royal Assent. Proclamation is expected to be done in phases over the next 12 to 18 months. The Chief Provincial Firearms Officer and the Firearms Officer are both involved in the development of policies and procedures necessary to proclaim the amendments.

**6. Consumer Education and Information:**

In 1991 various staff of the division spoke to 18 different groups and educational institutions. Included in these were pre-retirement courses, community schools, credit granting associations, UPEI, Holland College, staff workshops, lawyer seminars and job re-entry courses.

As well, staff conducted several media interviews with both print and electronic media on issues of consumer interest. Several press releases were prepared and issued containing consumer tips on rights and responsibilities in marketplace transactions.

**7. Consumer Complaints and Inquiries:**

Consumers can obtain information or assistance under two circumstances: prior to a purchase, an inquiry: and post purchase, a complaint.

Prepurchase -- a consumer can obtain copies of ratings on products as well as generic information on "how to" buy. Post purchase complaints where a problem has developed are responded to by providing information on consumer rights provided for in legislation and mediation upon request of the consumer or merchant. A complaint which involved a situation of non-compliance by a firm whose activity is subject to one of the assigned statutes is investigated and, when necessary, corrective measures are taken.

| (a) Complaints | | 1990 | 1991 |
|---|---|---|---|
| (i) | Motor Vehicle Sales and Repairs | 162 | 159 |
| (ii) | Home Construction and Renovations | 13 | 11 |
| (iii) | Appliances - Sales and Service | 49 | 37 |
| (iv) | Mail Order/Direct Sales | 262 | 293 |
| (v) | Collections/Credit | 89 | 133 |
| (vi) | Financial/Debtor Problems | 211 | 294 |
| (vii) | Other | 677 | 694 |
| | **Total** | **1463** | **1621** |
| **(b) Inquiries** | | **2006** | **2220** |

## 8. Licensing and Registration of Various Industries:

In addition to those statutes mentioned elsewhere, this division also administers the following statutes which require a license or registration:

(a) *Auctioneers Act*
(b) *Cemeteries Act*
(c) *Charities Act*
(d) *Collection Agencies Act*
(e) *Consumer Protection Act*
(f) *Consumer Reporting Act*
(g) *Direct Sellers Act*
(h) *Private Investigators & Security Guards Act*

As well, the division is responsible for the administration of several other statutes, while no license or registration is required, do prescribe rules of conduct. These are:

(a) *Business Practices Act*
(b) *Prearranged Funeral Services Act*
(c) *Tax Rebate Discounting Act**

*Federal Statute

The licensing statistics for 1990 and 1991 are as follows:

| | | 1990 | 1991 |
|---|---|---|---|
| (a) | Direct Sellers licensed | 116 | 79 |
| (b) | Collecting Agencies licensed (Two year license term) | 4 | 5 |
| (c) | Consumer Reporting Agencies licensed (Two year license term) | 6 | 1 |
| (d) | Auctioneers licensed | 27 | 38 |

| | | | |
|---|---|---|---|
| (e) | Private Investigators and Security Guards licensed | 145 | 155 |

**9. Personnel:**

Director: Eric Goodwin
Consumer Services Officer: Edna Lord
Compliance Officer: Barry MacDonald
Inspection Officer: Mike Blanchard
Secretary/Receptionist: Marlene Hughes
Secretary: Debbie MacKenzie

## CORPORATIONS DIVISION

### Acts Administered

The Corporations Division of the Department of Justice is responsible for the following Acts:

*Companies Act*
*Condominium Act*
*Co-operative Associations Act*
*Corporation Securities Registration Act*
*Credit Union Act*
*Licensing Act*
*Limited Partnership Act*
*Partnership Act*
*Securities Act*
*Winding Up Act*

### Statistics

Following are statistics which pertain to the various statutes administered by the Corporations Division:

**Companies Act**

| | 1991 | 1990 |
|---|---|---|
| Incorporations during the year | | |
| Business Corporations | 330 | 366 |
| Non-profit Corporations | 48 | 46 |
| Total New Corporations | 378 | 412 |
| Certificates of Good Standing under the Companies Act and Licensing Act | 289 | 278 |
| Annual Returns filed under Section 80 of the Companies Act | 3,195 | 3,021 |

The number of incorporations during 1991 showed a slight decrease from the number in 1990. In 1991 there were 172 companies dissolved because of failure to file annual returns and there were 10 companies who were issued Certificates of Revival.

### Co-operative Associations Act

There are some 90 active co-operatives in the Province.

During 1991 there were seven new co-operatives incorporated and 10 were incorporated in 1990.

Corporations Division staff continue to work closely with cooperatives, especially through the Co-operative Union of Prince Edward Island, which acts as the voice of the co-operative movement in Prince Edward Island.

### Corporation Securities Registration Act

Registrations under this Act totalled 305 in 1991 and 420 in 1990. This represents a decrease of 28% in registrations. In 1991 there were 86 Certificates of Status issued as opposed to 90 in 1990.

### Credit Union Act

The *Credit Union Act* is administered by the P.E.I. Credit Union League Limited, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the League, is also presented in the Legislature.

The Credit Union League staff communicates regularly with the Department to keep it informed about the credit union movement.

### Licensing Act

All out-of-province businesses carrying on business in this province are required to register under the *Licensing Act* regardless of whether they have an office or employees in the Province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all corporations not incorporated under the laws of this province and having their head office or chief place of business located outside the Province.

| | 1991 | 1990 |
|---|---|---|
| Companies registered under this Act ..... | 2,153 | 2,199 |

### Partnership Act

The business names of sole proprietorships and partnerships are registered under the *Partnership Act* as well as the trade names of corporations.

| | 1991 | 1990 |
|---|---|---|
| Declarations of proprietorships, partnerships and trade names filed during the year ..... | 833 | 860 |
| Dissolutions Filed ..... | 179 | 190 |

Declarations filed under the *Partnership Act* expire three years after the date of filing unless renewed and all declarations in existence prior to July 1, 1990 will expire on June 30, 1993. This will enable the Registrar to purge the register of business names which are no longer in use.

### Securities Act

The *Securities Act* regulates the sale of securities to the public and provides for the licensing of brokers and salesmen.

The following registrations and filings were made under the Act:

| | 1991 | 1990 |
|---|---|---|
| Licenses issued: | | |
| Resident salesmen | 140 | 130 |
| Non-resident salesmen | 82 | 58 |
| Brokers | 41 | 40 |
| Personnel changes | 121 | 106 |
| Prospectuses registered | 580 | 540 |
| Prospectus amendments registered | 217 | 137 |
| Certificates of Exemption from full prospectus requirements | 41 | 53 |
| Lapse date extensions | 38 | 16 |

## Revenue

The Corporations Division collects fees under the various statutes it administers. Revenue of $1,224,500 is expected for the fiscal year ending March 31, 1992. For fiscal year 1992/93, revenue is expected to total approximately $1,244,500.

## Comments

Corporations Division staff spend a significant amount of time responding to inquiries from the public as the information filed in the division is public information. Requests for information about corporations, co-operatives, partnerships, or other matters come from the legal and accounting professions, other government departments, police authorities, businessmen, bankers and other financial institutions and the public at large.

## Personnel

Director: Edison Shea
Corporations Officer: Merrill Wigginton
Corporations Records Supervisor: Sandra Furlotte
Administrative Assistant: Sheila MacNevin
Administrative Assistant: Norma MacMillan
Clerk: Kay Constable
Clerk: Lori Stewart
Clerk: Sherry Coles
Clerk: Brenda Storring

# CROWN ATTORNEY'S OFFICE

The Crown Attorney's Office is mandated to represent the Attorney General of the Province in all aspects of his prosecutorial function; that is, among other matters, to advise on and prosecute all offences in the Province under the *Criminal Code of Canada* and those under provincial statutes in the courts of the Province. The office also represents the Attorney General on all appeals arising out of the operation of the Attorney General's prosecutorial function in the Province, launched either by the Attorney General or by the defendant in the Supreme Court of Prince Edward Island and the Supreme Court of Canada. Full-time offices are maintained in both Charlottetown and Summerside.

The work flows into the Crown Attorney's Office from the investigations of approximately 200 peace officers located in ten locations covering the Province. Work is also referred from provincial departments, victims and numerous sources inside and outside the Province. The prosecutions arising from these investigations are argued before the courts of the Province in the five locations jurisdictionally set up for the purpose. Appeals from these prosecutions are heard in Summerside and Charlottetown.

## In Memoriam

All members of staff of the Crown Attorney's Office mourn the death of Agnes E. MacDonald on August 18, 1991. We remember Agnes for her dedication, expertise, her kindness and generosity of spirit to everyone with whom she came in contact.

## The Year

1. On November 15, 1991, the Honourable C. R. McQuaid submitted his report on the *Inquiry into Police and Department of Justice Policies and Procedures in Cases of Inter-Spousal and Intra-Family Violence*. This report comments favourably on the performance of the Crown Attorney's Office. Recommendations were made in some facets of Crown work for which the office is grateful. In implementing them, we may continue to meet the needs of victims and act in society's interest to help stem the tide of spousal and family violence.

2. In 1991, the Crown prosecuted 5,002 Criminal Code charges. In 1990, 4,651 were prosecuted. The breakdown is as follows:

| | Adult | Young Offenders | Total |
|---|---|---|---|
| 1990 | 3,697 | 954 | 4,651 |
| 1991 | 3,852 | 1,150 | 5,002 |

3. In the year 1991, the Crown Attorney's Office prosecuted its first case where the language of the accused was French. For all intents and purposes the trial was in French. A jury had to be impanelled, the members of which spoke French. Witnesses' testimony was translated into French by an interpreter. At the time of preparation of this report, two cases remain to be tried where the language of the accused is French. Both are to be tried in the January 1992 term by judge and jury in the French language.

4. The number of "assault" charges laid in 1991 is consistent with the number laid in 1990. It is significant that there was a 40% rise in the number of sexual assault charges laid against adult offenders. In 1990 there were 77 charges laid against adults for sexual offences while in 1991 there were 118.

The Crown Attorney's Office had assigned in 1990 one Crown Attorney to prosecute all sexual offences in Queens and Kings Counties. This Crown Attorney was also to act as a resource person for other Crowns who from time to time must prosecute these cases.

One Crown Attorney cannot prosecute all cases in Kings and Queens Counties. In Prince County, the two Crown Attorneys share the prosecutional function in sexual matters. The office will be considering soon just how we will be responding to this esoteric area where expertise is so important.

The Crown Attorney's Offices in Charlottetown and Summerside have throughout 1991 an average of 35-40 ongoing sexual assault cases.

5. The Crown is represented at the Appeal Court level by Crown Attorney Darrell E. Coombs who argues on behalf of the Crown either as counsel for the appellant or respondent depending on which party initiates the action.

The majority of criminal appeals are commenced by the counsel for the defence, who alleges that the courts below have committed an error in law, resulting in an injustice to their clients. The Crown is obliged to defend the position taken by the lower court and argue that its decision is valid in law.

There were 67 appeals in 1991, a decrease from the year 1990 in which there were 82 appeals. The decrease was in the number of sentencing appeals relating to breathalyzer convictions. In 1991, the Supreme Court of Prince Edward Island (Appeal Division) affirmed a decision of the Provincial Court that moved toward standardizing sentences for breathalyzer convictions. While the number of appeals were down, there was an increase in the number of appeals that dealt with complex legal issues. There were three appeals to the Supreme Court of Canada that dealt with legal issues of national importance. The number of sentencing appeals in relation to sexual assault and domestic assault increased and sentencing issues relating to major crimes such as murder, robbery and weapon offences were heard.

Issues pertaining to the *Charter of Rights and Freedoms* account for the majority of the time-consuming cases heard at the Appeal Court level. In 1991, the Court of Appeal of Prince Edward Island rendered decisions on the right to remain silent, the right to counsel and the constitutionality of the A.L.E.R.T. and sexual assault provisions of the *Criminal Code of Canada*. It appears that the dominant issues prevailing in the Appeal Courts in 1992 will be *Charter* oriented.

## Personnel

Director: Richard B. Hubley, Q.C., Charlottetown Office
Crown Attorney: Darrell E. Coombs, Charlottetown Office
Crown Attorney: David P. O'Brien, Q.C., Summerside Office
Crown Attorney: Bert Visser, Charlottetown Office
Crown Attorney: Cyndria Wedge, Charlottetown Office
Crown Attorney: Valerie A. Moore, Charlottetown Office

Crown Attorney: Gerald Quinn, Summerside Office
Administrative Assistant: Linda M. Peters
Secretary: M. Paulette Neale
Secretary: Wendy R. MacDougall
Secretary: Michelle Montgomery

## SUPERINTENDENT OF INSURANCE

### Insurance

| | 1991 | 1990 |
|---|---|---|
| Companies registered and licensed | 256 | 231 |
| Applicants examined | 175 | 133 |
| Insurance agents' licenses issued | 363 | 352 |
| Insurance adjusters' licenses issued | 38 | 45 |

### Comments

Automobile insurance premiums were up in 1991 due to loss experiences in the recent years. While market conditions remain stable, some difficulties continue to be experienced in areas of liability cover, especially pollution or environmental impairment. The Self Insurance Program (SIP), established five years ago, continues to work well. Government, school units and hospitals continue to be covered under the program.

The New Motorists Insurance Program introduced in Ontario in 1990 has now experienced its first full year of operation. While the program appears to be working well, further modifications are now underway. We will continue to monitor this program and its implications for other provinces.

The Canadian Council of Insurance Regulators, in conjunction with the Insurance Bureau of Canada and the Canadian Life and Health Insurance Association has established Compensation funds for all of Canada. The Fund indemnifies claimants of insolvent insurer and is funded by an assessment of all licensed insurers. Both plans appear to be working well.

The Facilities Association which is designed to cover high automobile risks continues to work well and no major problems are being encountered.

The detailed report of the Superintendent for 1990 is provided separately and licensing statistics for 1991 are set out above. Of particular note is the constant progress made by the Prince Edward Island Mutual Fire Insurance Company during the year. The company is well managed and this year celebrates the 107th anniversary of its founding.

The practice of examining applicants for agents' licenses continues for all classes, and we believe this has greatly improved the caliber of agents and reduced the turnover which was so prevalent earlier.

All persons adjusting insurance claims in the Province must hold a valid license.

The Superintendent attended two national meetings of the Council of Insurance Regulators during the year.

## Premium and Fire Prevention Tax

| | 1991 | 1990 |
|---|---|---|
| Premium tax collected | $3,092,294.98 | $2,099,665.91 |
| Fire prevention tax collected | 196,831.06 | 112,368.33 |
| **Totals** | **$3,289,126.04** | **$2,212,034.24** |

## Comments

Effective April 1, 1990, Premium Tax at the rate of 3% is collected on all insurance premiums (except fraternal and marine) written in the Province. The Fire Prevention Tax which is assessed at 1% of the total fire premium is basically designed to defray expenses of the Provincial Fire Marshal's office.

## Official Trustee

The services of the Official Trustee continued to increase during the year with 210 active files. Funds held in trust fluctuated and averaged $1,788,313.03 over the period. Excess funds are invested in Deposit Receipt Certificates with the Minister of Finance and at year end amounted to $1,898,000.

The accounts are reviewed annually by the Auditor General and his report is available elsewhere.

We continue to enjoy a close working relationship with the Division of Aging of the Department of Health and Social Services, and as a result, we are able to better control the assets of patients or guests who are considered incompetent. The role of the Official Trustee is increasing, as all persons admitted to government homes that are considered incompetent are declared before admission. He is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when no one else is available or qualified.

The Advisory Committee is consulted from time to time as the need arises.

## Real Estate

The Superintendent of Insurance also administers the *Real Estate Trading Act*. Real estate sales by agents during 1990 amounted to 130 million dollars, down somewhat from 1989. Another slow year is expected for 1991. Sales commissions for 1990 amounted to $4,900,000. An unknown number of properties are sold privately and those, of course, are not included in the figures given.

Two hundred and fifty-one (251) agents and salespersons were licensed in 1991, a decrease from the previous years. New applicants must be bona fide residents and are required to pass a written examination which is written in this office by appointment. All agents and salespersons are bonded. A total of forty-six (46) examinations were written in 1991.

## Personnel

Superintendent of Insurance: W. Bennett Campbell
Secretary: Marlene Phelan

# JUDICIAL DIVISION

## Function and Organization

This division is responsible for the design and maintenance of an administrative structure that meets the needs of all courts throughout Prince Edward Island. Its primary and continuing objective is to make appropriate and effective use of personnel and other resources to develop and manage comprehensive court services programs throughout the Province.

The overall strength of personnel in the division is 41 with distribution as follows:

| | Person Years | | | | |
|---|---|---|---|---|---|
| | **Charlottetown** | **Summerside** | **Alberton** | **Georgetown** | **Souris** |
| High Sheriff | - | 1 | - | - | - |
| County Sheriff | 1 | - | - | 1 | - |
| Deputy Sheriffs | 3 | 1 | - | - | - |
| Dir, Maintenance Enforcement | 1 | - | - | - | - |
| Chief Provincial Court Clerk | 1 | - | - | - | - |
| Provincial Court Clerks | 3 | 2 | .5 | .5** | .5 |
| Registrar Supreme Court | 1 | - | - | - | - |
| Deputy/Registrar Supreme Court | 6 | 1 | - | .5** | - |
| Court Stenographer | 7 | 2* | - | - | - |
| Prothonotary | 1 | - | - | - | - |
| Clerks | 3 | 1 | - | - | - |
| Total | 27 | 8 | .5 | 2 | .5 |

Total = 38 person years among 41 staff
* 4 staff @ 50% positions
** 1 position

The personnel provide the Courts with support services, some of which are as follows:

1. **General Administration:**
   - budget and expenditure control
   - personnel transactions
   - equipment supply, purchases, etc.

2. **Judicial Administration:**
   - assessment of costs
   - bankruptcy and discovery

- supervision over court officers
- Justice of the Peace

3. **Court Records:**
   - registration and maintenance

4. **Docketing at Supreme Court Level:**

5. **Stenographic, Secretarial and Clerk of the Court:**

6. **Sheriff Services:**
   - jury impanelment
   - process servers
   - execution of court orders

7. **Financial Record Management:**
   - approximately $4 million annually at both court levels.

On January 29, 1991 at a special sitting of the Supreme Court, Chief Justices Norman H. Carruthers and Kenneth R. MacDonald gave a brief review of the work that was completed in the court in 1991. Statistical information was provided in detail at the special sitting which was the seventh consecutive year the Supreme Court reported to the public in this manner. However, it is worthy of note the caseloads in the Supreme Court increased again this year. The caseload in Supreme Court has increased 52% since 1987.

The Provincial Court, which permanently sits in Charlottetown and Summerside and goes on circuit to Alberton and Georgetown, handled an ever increasing workload under newly appointed Chief Judge Bertrand R. Plamondon. It is expected that its circuit will be extended in early 1992 to include Souris once again.

## Bar Admissions

The following individuals were admitted to the Bar of Prince Edward Island in 1991:

| | |
|---|---|
| Sean M. Halley | January 4 |
| John R. Rhynes | March 1 |
| Gregory J. Howard | April 12 |
| Jeffrey L. Blanchard | May 10 |
| Gregory A. Cann | July 2 |
| James J. Hornby | July 4 |
| Donald Schurman | July 19 |
| Scott Burke | July 25 |
| Mark L. Gallant | July 26 |
| Kimberley Turner | November 25 |
| Reginald Williams | December 5 |

## Appointments and Retirements

George R. McMahon - retired on December 31, 1991 after five years on the Supreme Court;

J. Armand DesRoches - appointed to Trial Division of the Supreme Court;

Gerald L. FitzGerald - resigned as Chief Judge of the Provincial Court;

Bertrand R. Plamondon - appointed as Chief Judge of the Provincial Court.

## Provincial Court

| Total Monies Collected | 1988 | 1989 | 1990 | 1991 |
|---|---|---|---|---|
| Georgetown | $ 110,222.00 | $ 110,972.57 | $ 159,035.19 | $ 192,006.94 |
| Souris | 75,085.00 | 48,655.00 | 61,000.00 | 58,732.00 |
| Alberton | 98,502.00 | 133,986.76 | 140,320.26 | 174,982.23 |
| Charlottetown | 444,754.00 | 558,952.80 | 673,283.10 | 898,162.70 |
| Summerside | 316,992.00 | 330,635.01 | 394,267.99 | 446,317.98 |
| Totals | $1,045,555.00 | $1,183,202.14 | $1,427,906.54 | $1,770,201.85 |
| Annual Increase | | 13% | 21% | 24% |

It is worthy to note that the above increases since 1988 amounted to 69%

## Maintenance Enforcement Office

From January to December of 1991, the sum of $1,518,000 was collected by the Maintenance Enforcement Program as child and spousal support payments. Since the inception of the Act in March of 1988, it is interesting to note that there has been an approximated $964,000 increase in collections. A review of the office at year end showed an increase in clients using our reciprocal enforcement service in addition to the interprovincial enforcement service. Although relying mainly on the *Maintenance Enforcement Act* for the recovery of funds in default cases, there was a significant increase in federal garnishment applications.

Staff complement remains unchanged from 1990, and we continue to be a non-computerized program.

As might be expected with the type of collections in the Maintenance Enforcement Office, we continue to see an increase in volatile cases.

## Statistics - 1991

| | |
|---|---|
| Child/spousal support collected | $1,518,000.00 |
| Actual cases registered | 1,439 |
| New registrations | 173 |
| Divorce Act (Variations) | 9 |
| Reciprocal Enforcement of Maintenance Orders Act (Confirmations) | 5 |
| Warrants issued | 42 |

| | | |
|---|---|---|
| Notices prepared | | 400 |
| Time actually served | | 7 |
| Garnishee/wages | | 6 |
| Receipts/cheques issued (manually) | | 10,000 |
| Appeals filed<br>(1 successful; 1 scheduled in 1992) | | 2 |
| Family Orders and Agreements/Enforcement Assistance Act Garnishee summons<br>(unemployment insurance, income tax returns) | | 11 |
| Seizures | - sports car<br>- sports car n/a | 3,300<br>(in dispute) |
| Court days assigned | - two full days per an 11 month period | |
| Registrations outside Canada | - England<br>- Arizona<br>- California<br>- Minnesota | |
| Reciprocity Established | - all provinces and territories<br>- 36 states<br>- numerous foreign jurisdictions | |

## LEGAL AID

### Introductory Note

Criminal and family legal aid services are provided under the program name Prince Edward Island Legal Aid. The previous title "Office of the Public Defender" was dropped in 1989-90. The change in names was administrative only. There has been no change in the organizational structure of the Legal Aid Program, nor has the coverage provided been changed. The purpose of the change was to bring the identity of the program more in line with the titles used in the other provinces.

This was the eighteenth year of the Criminal Legal Aid Program in Prince Edward Island. The service is cost shared under a federal-provincial agreement which applies in all provinces.

### Objective

The objective of the Criminal Legal Aid Program is to ensure equality before the criminal law throughout Canada by making lawyers available to persons who would otherwise be unable to afford legal representation in serious criminal matters. The program is designed to promote the development of national minimum standards of access to legal services in areas of federal legislation.

### Eligibility

The legal aid agreement between Canada and the Province specifies that eligibility for legal assistance is to be determined by a flexible means test. In this province the test is conducted by a staff lawyer who must weigh the seriousness of the legal proceedings and

then consider whether the applicant's present means should be sufficient to actually obtain private counsel within the time required.

### How Service Is Obtained

To obtain service, the applicant must contact a staff lawyer in the same manner as a paying client would contact a private practitioner. Contrary to a common misconception, the courts do not assign cases to legal aid staff lawyers. Although legal aid has become an integral part of the justice system, service under the program is provided independently.

### Choice of Counsel

Legal services are provided by four staff lawyers. In addition, private counsel are retained in a small percentage of cases where a scheduling problem or a conflict prevents a staff lawyer from acting. It is only in murder cases that the applicant is automatically given the choice of being represented by private counsel.

### Offices

Full-time offices are maintained at the Law Courts Building in both Charlottetown and Summerside. Staff lawyers also attend Provincial Court in Alberton, Souris, and Georgetown.

### Cost-Sharing Formula

The federal-provincial cost-sharing agreement has been renegotiated every few years. The same cost-sharing formula applies across the country, but the level of federal contribution varies, depending on provincial per capita expenditures and other factors. Canada's share of criminal legal aid expenditures in this province has consistently been in the range of 80 to 90 per cent. For the country as a whole, Canada's contribution has been in the range of 45 to 55 per cent since 1973. Statistics Canada reports that in 1989-90, per capita expenditures for Canada and the provinces were $12.80 for criminal and civil legal aid. Expenditures ranged from $18.12 in Ontario to $2.48 in New Brunswick. By comparison, expenditures for this Province were $3.74 per capita.

### Young Offenders

Thirty per cent of the Criminal Legal Aid budget is allocated to service under the *Young Offenders Act*. The YOA places heavy emphasis on legal representation. Police officers and the courts are required to advise young persons of their right to counsel at all stages of the proceedings from arrest to trial. In addition, the YOA contains safeguards to ensure that young persons are given the benefit of any doubt where their eligibility for free legal counsel is unclear. Experience to date seems to indicate that most young persons are eligible for legal aid. All legal aid services under the Act are cost shared by Canada on terms similar to the present adult criminal legal aid agreement.

### Duty Counsel

On February 1, 1990, the Supreme Court of Canada issued the decision in *Brydges v. The Queen*. The decision examines the right to counsel at the arrest and detention stages of criminal proceedings. The Court ruled that the police have a duty in all cases to inform detainees of the existence and availability of duty counsel and legal aid plans.

In July 1990, the Legal Aid Program established an after hours telephone duty counsel program in response to an increase in the number of calls to staff lawyers at their homes following the *Brydges* decision. The system employed two lawyers from the private sector on a rotational basis. The program worked well but, due to the population scale of the Province, it was relatively costly to maintain. In January 1991, the after hours telephone duty counsel system was terminated for budgetary reasons. There is currently no after hours duty counsel system in place. The after hours availability of the daytime staff remains as it was prior to the *Brydges* decision.

**Cases Completed**

The following cases were completed during the year. For purposes of comparison, it should be noted that the definition of the term "case" may vary from province to province. Accordingly, costs and caseload statistics from other jurisdictions may be difficult to compare. In this province, each separate charge is counted as a separate case. An applicant may have several charges arising from one incident. Likewise, charges from several incidents are often dealt with by the court at one time. For statistical reporting purposes, the number of cases is equal to the number of charges. An appeal is also recorded as a separate case. Cases carried over from a previous year are not recorded until the year in which the case is completed.

In any instance where the same applicant requests criminal legal aid more than once within the same year, an additional application is recorded.

| | Number Completed | | | |
|---|---|---|---|---|
| | 89/90 | | 90/91 | |
| | YOA | ADULT | YOA | ADULT |
| Unlawful homicide | - | 1 | - | 4 |
| Robbery | - | 6 | - | 12 |
| Theft, possession of stolen goods, & break and enter | 397 | 269 | 345 | 315 |
| Fraud, false pretenses | 5 | 123 | 51 | 149 |
| Drunk & impaired driving | 11 | 160 | 15 | 219 |
| Other motor vehicle | 11 | 37 | 4 | 39 |
| Escape - unlawfully at large | 10 | 17 | 13 | 45 |
| Cause disturbance | 7 | 31 | 21 | 58 |
| Assaults | 37 | 160 | 51 | 233 |
| Sexual assaults | 4 | 22 | 14 | 35 |
| Resisting arrest | 1 | 13 | 8 | 12 |
| Arson | 1 | 2 | - | 3 |
| Property damage | 83 | 59 | 134 | 95 |
| Breach probation | 32 | 38 | 46 | 77 |
| Dangerous & prohibited weapons | 4 | 4 | 5 | 15 |

| | | | | |
|---|---|---|---|---|
| Narcotics | 13 | 38 | 2 | 51 |
| Sentence review YOA | 14 | - | 17 | - |
| Others | 9 | 29 | 12 | 38 |
| | 448 | 980 | 738 | 1,400 |

## Summary of Legal Aid

| | 89/90 | 90/91 |
|---|---|---|
| Number of files (separate applications) completed and closed during the year | 936 | 1196 |
| Number of cases (separate charges or appeals) completed in the above files | 1,648 | 2138 |
| *Cases completed by private counsel | 134 | 313 |
| Percentage of cases completed by private counsel | 8% | 15% |
| Number of private counsel who participated | 21 | 23 |
| Cost of service rendered by private counsel * (unaudited) | $53,425.98 | $90,217.23 |
| Private counsel costs as a percentage of total expenditures | 20% | 30% |

## Number of Applications by Region

| | 89/90 | 90/91 |
|---|---|---|
| Charlottetown | 550 | 676 |
| Summerside | 262 | 341 |
| Alberton | 42 | 68 |
| Georgetown | 82 | 111 |
| | | 1196 |

## Ages

| | 89/90 | 90/91 |
|---|---|---|
| 12 - 15 years | 32% | 12% |
| 16 - 17 years | 58% | 15% |
| 18 - 19 years | 10% | 17% |
| 18 - 19 years | 17% | * |
| 20 - 24 years | 28% | 18% |
| 25 - 29 years | 23% | 14% |
| 30 - 34 years | 11% | 8% |
| 35 - 39 years | 8% | 5% |
| 40 - 59 years | 12% | 9% |
| over 59 years | 1% | 2% |

*In last year's report, young offenders and adult age percentages were calculated separately whereas, this year we have amalgamated them.

| Total Criminal Legal Aid Expenditures | 89/90 | 90/91 |
|---|---|---|
| | $261,624.00 | $300,467.97* |

(* unaudited)

## Family Legal Aid

The Family Legal Aid Program was established in 1980. The program is operated in conjunction with the Criminal Legal Aid Program which has provided cost-shared legal aid in criminal matters since 1973. Legal service for both programs is provided by a full-time staff of four lawyers and three secretaries. Administrative services are provided by the Provincial Justice Department. The Director of Legal Aid, who is one of the four staff lawyers, is responsible for the management of the program.

### Objective

The objective of family legal aid is to provide access to essential legal services in the area of family law. The service is restricted to situations where a person with some disposable income would use that money to hire a lawyer in private practice if faced with the same legal problem. This restriction is common throughout Canada. The ability of this province to meet the objectives of the legal aid program has always been limited by the availability of staff and budgetary resources. Prince Edward Island has not been able to achieve national levels of service. According to Statistics Canada figures for 1989/90, the average per capita expenditure for all legal aid services in Canada was $12.80. Expenditures ranged from $18.12 per capita in Ontario to $2.48 in New Brunswick. By comparison, expenditures in this province were $3.74 for the same period.

### Eligibility

Eligibility is partly based primarily on income levels. Persons who are on social assistance at the time of application, or who might be considered eligible for such assistance if required to pay the estimated cost of representation by private counsel, are generally considered financially eligible for legal aid. Income scales are used in assessing financial eligibility where the applicant is not on social assistance, but in practice they are of limited use because the cost of the legal services may fluctuate sharply depending on the nature of the case. In other words, an applicant at the bottom of the income scale might be able to afford the costs of a very simple case, whereas a more complex case might exhaust the financial resources of an applicant whose income is at or above average.

Priority for assistance is given to applicants whose physical or emotional safety is in danger. Additional priority is given to applicants with dependent children in these circumstances.

Legal aid may be refused in any situation where a cautious person having some disposable income might choose not to pay for the assistance of private counsel if faced with a similar problem.

Our experience to date has shown that most applicants are financially eligible. Where service has been refused, it has usually been due to the shortage of legal staff or budget resources to pursue the matter.

### Coverage

Coverage is limited to matters within the jurisdiction of the Family Division of the Supreme Court. Generally, this involves the *Divorce Act*, *Family Law Reform Act*, *Custody, Jurisdiction and Enforcement Act*, and the *Family and Child Services Act*. Priority is given to applicants under the *Family and Child Services Act* because they face the ultimate risk that their children may be apprehended and placed in permanent custody.

### Involvement of Private Counsel

Legal aid staff lawyers may represent only one party in any dispute. The same conflict of interest restrictions apply to lawyers in private practice. In some cases, more than one party may seek legal aid. Depending on the circumstances of the case, the additional applicants may be referred to private counsel on a tariff basis. About 30 percent of the family legal aid budget is spent on private counsel services. This part of the budget is very difficult to administer because it involves priorizing cases and limiting the number of hours of service that may be provided by private counsel on each case.

### Legal Aid in Other Provinces

The Province participates in an informal inter-provincial legal aid agreement. Under this agreement, residents of Prince Edward Island may obtain legal aid in any province of Canada. A condition of inter-provincial coverage is that similar service must be available to non-residents in this province.

### Number of New Files Opened

There were 417 new files opened in 1990/91. This number includes only those cases where an inquiry or application proceeded to further action by way of correspondence, negotiation, or court action. The figure does not include telephone and office consultations where summary advice was given without any additional services.

The practice of family law differs from other areas of litigation in that the circumstances of the litigants may continue to change and bring about a need for additional assistance. Consequently, the number of active files is greater than the number of new files opened for each year.

### Telephone Inquiries

The provision of summary legal advice by phone is an important aspect of the program. The majority of applicants call in the initial stages of family break-up. Early advice and appropriate referrals to other agencies at that stage may provide reassurance and enable callers to resolve their difficulties before they lead to costly litigation.

### Program Statistics: Family Legal Aid

| | 89/90 | 90/91 |
|---|---|---|
| 1. NUMBER OF MATTERS FOR WHOM NEW FILES WERE OPENED: | 355 | 417 |

| | | | |
|---|---|---|---|
| 2. | TYPE OF APPLICATION: | | |
| | Matrimonial: Includes Divorce, Separation, Custody and other family matters | 89% | 94% |
| | Child Protection Cases: Family & Child Services Act | 11% | 6% |
| 3. | REGIONAL DISTRIBUTION OF SERVICE: | | No. of Files |
| | Charlottetown | 178 | 249 |
| | Summerside | 177 | 168 |
| 4. | RATIO OF MALE TO FEMALE CLIENTS: | | |
| | Male | 25% | 22% |
| | Female | 75% | 78% |
| 5. | NUMBER OF CASES WHERE PRIVATE COUNSEL ACTED THROUGH LEGAL AID: | 48 | 53 |
| 6. | FEES AND DISBURSEMENTS PAID TO PRIVATE COUNSEL: | $59,740.15 | $54,994.08 |
| 7. | NUMBER OF INTER-PROVINCIAL REQUESTS: | | |
| | To other provinces | 6 | 12 |
| | From other provinces | 3 | 15 |
| 8. | TOTAL EXPENDITURES: | $137,632.40 | $187,901.58 |

## LEGAL SERVICES DIVISION

Legal Services are provided to the Premier's Office, Executive Council, Government Departments and some Crown Corporations and Agencies by lawyers employed in the Legal Services Division.

The division has assigned solicitors to serve specific departments of Government in order to provide a degree of specialization which would not otherwise be possible.

The Legal Services Division represented Government in 1991 on litigation before the various divisions of the Supreme Court of Prince Edward Island. It also represented Government before various administrative tribunals and provided legal advice to others. Legal opinions and advice were provided on a full range of other matters to Departments of Government, Commissions and Agencies.

In the past year, one departmental solicitor took a secondment to the Crown Attorney's office and another lawyer was hired on a two-year contract basis.

### Personnel

Director of Legal Services: Charles P. Thompson
Departmental Solicitors: Judith M. Haldemann
Roger B. Langille
Shauna Sullivan Curley
Les J. Zielinski
Mark L. Gallant
Administrative Assistant: Deborah L. Gillespie
Legal Secretary: Mary-Lynn Smith

## LEGISLATIVE COUNSEL

There were 54 Government bills introduced in the Legislative Assembly of which 49 were enacted; three were referred to intersessional committees; and two died on the Order Paper.

A consolidation of the regulations was completed in 1991.

### Personnel

Legislative Counsel: M. Raymond Moore
Administrative Assistant: Leona Nicholson

## RESIDENTIAL RENTAL PROPERTY OFFICE

The *Rental of Residential Property Act* proclaimed January, 1989 repealed the *Landlord and Tenant Act*, Part V and the *Rent Review Act*. This new Act consolidated and updated legislation relating to rental of residential premises including several new and important provisions such as:

1. The establishment of statutory conditions applying as between the parties to a rental agreement governing residential premises which includes mobile homes and sites.
2. A standard form of written rental agreement.
3. Procedures for the holding and return of security deposits.
4. Improved security of tenure provisions by specifically setting out the grounds for which the rental agreement may be terminated by the lessor and appeal procedures by the lessee.
5. The introduction of an administrative tribunal through the Director of Residential Rental Property with authority to investigate, hold hearings, make decisions and issue orders to effect compliance with the Act. Appeal from decisions of the Director is to County Residential Rental Property Boards empowered to make such decisions or order as the Director is empowered to make.

On November 4, 1991, the Lieutenant Governor in Council proclaimed the *Island Regulatory and Appeals Commission Act* which established the Island Regulatory and Appeals

Commission. The Commission will appoint the Director and take responsibility for the functions of the County Appeal Boards. This report contains activities of the office of the Director and the County Appeal Boards for the period of January 1, 1991 to November 3, 1991 with comparable information for the previous calendar year.

The staff and budgeted funds have been transferred to the Commission.

### Statutory Condition - Enforcement (Part II, Section 8)

The statutory conditions are those obligations of either the lessor (landlord) or the lessee (tenant) as set out in the Act and the standard form of rental agreement. The parties are encouraged to resolve disputes after their rights are explained and when this is unsuccessful, an application is received, processed by investigation and/or hearing.

| | 1991 | 1990 |
|---|---|---|
| Orders Issued - Lessor | 68 | 31 |
| Orders Issued - Lessee | 59 | 37 |
| Applications Cancelled | 45 | 23 |
| Shared Decision | 0 | 1 |
| Applications Outstanding | 42 | 20 |

## Security Deposits (Part II, Section 10)

The Act sets out the handling and processing requirements of security deposits taken as a condition of the rental agreement. The lessor is required to deposit the funds at a financial institution in a designated trust account and interest accrues to the lessee while the deposit is held. Within 10 days of delivering up possession of the premises, the deposit is to be returned with the interest. The lessor may retain all or a portion of the deposit to cover damages or unpaid rent and if retained, the lessee must be advised of the nature and amount of charges made. If agreement is not reached between the parties, the lessee requests determination by the Director at which time the deposited funds are forwarded and held by the Director.

Investigation is carried out and appropriate decision made. Funds are disbursed accordingly following the appropriate appeal period.

| | 1991 | 1990 |
|---|---|---|
| Applications Received | 16 | 37 |
| Value of Security Deposits | $3,804.15 | $7,156.15 |
| Awarded to Lessors | 1,512.50 | 3,353.09 |
| Awarded to Lessees | 1,356.71 | 3,371.06 |
| Remaining to be Disbursed | 934.94 | 432.00 |

## Termination of Rental Agreements (Part III, Sections 12, 13, 14 15, 16)

The Act provides limited security of tenure for the lessee whereby the lessee must be given in writing the proper notice and the reason for termination of the rental agreement. The

lessee may by application to the Director request the notice to be set aside. The lessor may, following the issuance of a notice, apply to the Director for an order terminating the agreement on a date earlier than that specified in the notice served to the lessee.

| | 1990 | 1991 |
|---|---|---|
| Applications Received | 41 | 38 |
| Early Termination | 14 | 16 |
| To Set Aside Notice of Termination | 17 | 15 |
| Habitual/Persistent Late Payment of Rent | 8 | 7 |
| Decisions in favour of Lessor | 13 | 17 |
| Decisions in favour of Lessee | 11 | 11 |
| Applications Cancelled | 16 | 8 |
| Applications Outstanding | 1 | 2 |

## Rent Increases (Part IV, Section 23)

The guidelines applicable to rent increase remain relatively the same as contained in the repealed *Rent Review Act*. The allowable percentage rent increases for 1989 and 1990 was 4%, 1991 4.5%. A rent increase exceeding the amount requires approval by the Director before being charged and collected. The rent being charged remains unchanged until approval is obtained. Rent is permitted to increase only on the 12 month anniversary of the last rent increase or 12 months from the date new units are rented. The lessor must serve a written notice of rent increase and the notice period be not less than 90 days. The lessee may request of the lessor that a rent increase at or below the allowable percentage be approved.

The results of applications processed are:

| | 1991 | 1990 |
|---|---|---|
| Applications approved as applied for | 25 | 18 |
| Applications not approved as applied for | 5 | 8 |
| The number of residential units affected | 265 | 151 |

## Appeals to Residential Rental Property Boards

Decisions made by the Director may be appealed to the Residential Rental Property Board established for each county of the Province. The appeals filed by category are as follows:

| | Appeals | |
|---|---|---|
| | 1991 | 1990 |
| Statutory Conditions | 4 | 1 |
| Security Deposits | 1 | 3 |
| Termination | 0 | 0 |
| Rent Increase | 0 | 3 |

## Residential Property Boards

### Queens County

The Residential Rental Property Board for Queens County was proclaimed under the *Rental of Residential Property Act* on January 18, 1989.

The Board, while independent from the Director of Residential Rental Property, has the power to hear appeals of the decisions by the Director and to issue their decisions. Any party to a decision or order of the Director has the right to appeal to the Board.

Appointments to the Queens County Board are as follows:

| Name | Position | Term |
|---|---|---|
| Mary Lynn Jenkins | Chairperson | Aug. 31/89-Jan. 18/92 |
| Frances Jones | Vice-Chairperson | Jan. 18/89-Jan. 18/92 |
| Joan Cudmore | Member | Jan. 17/91-Jan. 17/94 |
| Emmett Doyle | Member | Jan. 17/91-Jan. 17/94 |
| Sterling Lane | Member | Jan. 25/90-Jan. 25/93 |

From January 1, 1991 to November 4, 1991, five (5) appeal applications were received by the Residential Rental Property Board for Queens County.

The various applications requested the Board's decision in the following areas.

Security Deposits - Three (3) appeals, requesting the retention of security deposits were initiated by lessors. Two (2) decisions upheld the Director's orders to return the deposits to the lessees and one (1) decision resulted in the Director's decision being overturned. A portion of the deposit was retained by the lessor for unpaid rent.

Termination of Rental Agreement - Lessee - One (1) appeal requesting a decision on sufficient notice of termination was requested by the lessee. The decision of the Director was upheld and one month's rent was ordered to be paid to the lessor.

Statutory Conditions - One (1) appeal, by the lessor, against the decision of the Director concerning statutory condition 6(9) Quiet Enjoyment, was allowed. The Director's order for an abatement of rent was overturned.

There was one adjournment of a hearing during the year.

The total costs of operating the Residential Rental Property Board for Queens County from January 1, 1991, to November 4, 1991, were as follows:

| | |
|---|---|
| Per Diem | $3,555.00 |
| Travel | 222.25 |
| **Total** | **$3,777.25** |

## Kings County

The Residential Rental Property Board for Kings County was proclaimed under the *Rental of Residential Property Act* on January 18, 1989.

The Board, while independent from the Director of Residential Rental Property, has the power to hear appeals of the decisions by the Director and to issue their decisions. Any party to a decision or order of the Director has the right to appeal to the Board.

Appointments were made to the Kings County Board as follows:

| Name | Position | Term |
|---|---|---|
| David Sanderson | Chairperson | Jan. 18/89-Jan. 18/92 |
| Sybil Dewar | Vice-Chairperson | Jan. 18/89-Jan. 18/92 |
| James Hughes | Member | Jan. 17/91-Jan. 17/94 |
| Allen Raymond Grant | Member | Jan. 25/90-Jan. 25/93 |

There were no appeals to the Residential Rental Property Board for Kings County from January 1, 1991, to November 4, 1991. Due to this absence of appeals, there were no costs associated with the Board during the same period.

## Prince County

The Residential Rental Property Board for Prince County was proclaimed under the *Rental of Residential Property Act* on January 18, 1989.

The Board, while independent from the Director of Residential Rental Property, has the power to hear appeals of the decisions by the Director and to issue their decisions. Any party to a decision or order of the Director has the right to appeal to the Board.

Appointments were made to the Prince County Board as follows:

| Name | Position | Term |
|---|---|---|
| Stephen McKnight | Chairperson | Jan. 18/89-Jan. 18/92 |
| Audrey Inman | Vice-Chairperson | Jan. 25/90-Jan. 25/93 |
| Raymond A. Gallant | Member | Jan. 17/91-Jan. 17/94 |
| Wendell C. MacKay | Member | Jan. 17/91-Jan. 17/94 |

There were no appeals to the Residential Rental Property Board for Prince County from January 1, 1991, to November 4, 1991.

Due to the absence of appeals there were no costs associated with the Board during the same period.

The Residential Rental Property Boards for Queens, Prince, and Kings Counties were terminated in November, 1991, and their functions were consolidated under the Island Regulatory and Appeal Commission.